



The Regenesis Report



National Edition

Innovative Homeowner Association Management Strategies

Priceless

Regenesis means making new beginnings using eternal principles in innovative ways.

Regenesis believes that the goal of every homeowner association board should be to promote harmony by effective planning, communication and compassion.

The Regenesis Report provides resources and management tools for just that purpose. Every month, articles of common interest to homeowner associations nationwide are offered along with innovative strategies for addressing common problems.

Managing an HOA can be a lonely and frustrating task. Take heart. Help is on the way.



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Love Your Neighbor

One of any homeowner association's challenges is helping neighbors "make nice". The board is frequently called on to mediate disputes and fine neighbors for doing bad things. Actually, it's not the board's job and in most cases, these "opportunities" should be bounced back to the complainer to handle.

What exactly is a "good" neighbor? To be one, you don't need to be friends or hang out together. Being a good neighbor is an attitude. A good neighbor attitude allows you to live as privately or as sociably as you wish. Here's how to cultivate and nurture it:

Meet Them. While marching up to their door with hand extended is great, the chance encounter works well too. Introduce yourself at the mailbox, while walking the dog or when you take out the trash. Learn their names and offer a cordial "Hello" or "Good Morning" when you see them.

Keep Them Informed. Contact them before undertaking something that might affect them, such as hosting a big party, building a fence or cutting down a tree.

Be Aware of Differences. Age, faith, ethnic background and marital status can drastically affect lifestyles. Be aware of the differences between you but home in on what you have in common.

Point of View. From your neighbor's viewpoint, how does your compost pile, swingset or junk car look? Would *you* like that view? (If you do, refer to your *neighbor's* viewpoint).

Be Appreciative. If a neighbor does something you like, tell them! They'll

be pleased that you noticed the new awning, patio furniture, plants, etc..

Assume the Best. Most people don't intentionally create problems. Assume the neighbor doesn't know about the annoyance when you speak to them.. Your delivery will be dramatically kinder. And assume they will be cooperative.

Be Candid. If your neighbors do something that bothers you, let them know as soon as possible.

Be Calm. When discussing a point of contention, speak calmly, listen carefully and thank them for telling you how they feel. You don't have to agree or justify your behavior. If you don't react defensively, anger usually subsides, lines of communication remain open and resolution is possible.

Take Your Time. If caught in angry confrontation, take a break to reflect and finish the discussion when cooler heads prevail. Don't leave it hanging. Time and lack of resolution will intensify hostilities.

Best Advice of All. Treat others as you would like to be treated. This attitude will pave the way for good neighborliness. Love your neighbor as yourself.☸

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Ask the HOA Expert

Q If the board is meeting and agrees to an action, but does not follow Roberts Rules of Order (motion, second and vote) but instead all simply agree, is that action legal?

A If state statute or your governing documents require use of Robert's Rules, the board needs to use them in the board and member meetings. Otherwise, agreeing to something as you describe is okay as long as the minutes clearly describe what the board agreed to. However, a simplified version of Robert's Rules is highly recommended to keep the meeting organized and to ensure a balanced and meaningful discussion with a purposeful outcome. Without it, meetings can easily become bull sessions with little accomplished.

Q Our governing documents describe allowable signs as either for sale or for rent. Since no other types of signs are described, some interpret to mean no others are allowed. This seems overly restrictive. What about open house, garage sale and political signs? How about holiday decorations and flags?

A The main purpose of sign restrictions is to limit their number, size, theme and longevity. There should be provision for the other types of signs you mention since they are common activities. Holiday decorations and political signs should also be allowed as time honored traditions. Simply control the number, size, location and time limit. Flags can come in many forms but the US flag has federal protections.

It's best to have a sign, flag and decoration philosophy rather than an extensive list of acceptable or unacceptable items. The philosophy

should stress curb appeal and good taste. Since we all know that some lack taste, the board may need to intercede on a case by case basis. The board may need to compromise when confronted by an intractable resident rather than squander precious emotional and financial resources trying to enforce the rules. *There is a sample Sign Policy available to Gold Subscribers of www.Regensis.net*

Q The board is authorizing one of our condo unit owners to install a sprinkler system at his own expense, Is there any special paperwork which needs to be made up for him to be liable for it?

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A Anytime the board authorizes an owner installation, a legal document should be written that describes what is being done and that the owner is responsible for maintenance, repair and replacement of that installation. That document should be recorded against the owner's title so that the obligation transfers to subsequent owners of the property.

But in the case you describe, the board would be allowing a unit owner to irrigate common real estate. In a condominium, all unit owners own all real estate in an undivided interest. The board has no authority to grant any unit owner exclusive use to any of the real estate.

Q We are holding our annual meeting soon and will electing two directors. The board decided several years ago that nominees must submit a "Request for Nomination" two weeks in advance of the Annual Meeting endorsed by two other unit owners. We don't accept nominations from the floor of the meeting. This has eliminated single issue candidates and grandstanders.

But what if only two nominations are submitted? Does the president declare their election by default or does someone need to make a motion to elect the two by acclamation?

A Your nomination procedure is illegal unless it is described in your governing documents (doubtful). Even single issue, self serving members have a right to run for the board. The nomination procedure could easily be interpreted as an attempt to suppress dissent. (You pretty much admit that already.) The election process should follow normal procedures which includes being nominated at the meeting and no requirement to be endorsed by others.

If there are two positions and only two candidates, the president may ask for a motion to elect the candidates by acclamation. If he receives the motion, a second and a unanimous vote, there is no need to distribute ballots. However, if there is dissent, ballots should be distributed and counted.

Q Our governing documents prohibit the use of clubhouse for any for-profit event. Many of our residents would like to have classes such as aerobics, art etc. However the instructors would charge and the board says that these types of functions are not allowed. Are there any guidelines to permit this type of use but still prohibit use for events where the primary intention is to sell something or other commercial uses?

A If many owners support classes in the clubhouse and are willing to pay the cost, the board should establish a criteria which allows such events. The events should not monopolize the clubhouse in a way where non-participating owners are overly restricted from using the facilities. 🌟

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Security Insecurity

Homeowner associations have a responsibility to protect the investments of the members. A person's home is typically his largest investment, thus protecting property value should be a main concern of any HOA. Perceptions of personal safety influence current residents' decisions regarding relocation and rank high in perspective buyers' relocation choices. When the community is faced with real crime, the board should address the issue by asking several fundamental questions:

Has crime increased resident instability? HOAs can measure resident instability in several ways: residential mobility and owner occupancy. Resident mobility measures the frequency in which residents move in and out, while owner occupancy is a rate assessing the number of resident

owners. Combining these two measures provides the board insight about HOA instability.

Has crime affected property values? Criminal mischief such as graffiti and destruction of property directly reduce the value of the targeted property.

Has crime affected the quality of life within the community? If crime disenchant HOA members and they believe the board is not addressing the problem adequately, some will withdraw from social activities or focus on crime issues at meetings.

Community Response to Crime. To identify and measure response to crime, four basic questions may be asked:

1. What is the HOA doing to prevent crime? There are several crime prevention strategies that HOAs can implement such as environmental designs (reduce landscape cover, install better lighting, build fences), human capital investments (Neighborhood Watch Program, security guards), and electronic monitoring (cameras), all of which address crime in different ways.

2. How does "perceived" crime influence the HOA's crime prevention efforts? Perceptions of crime do not always relate to the actual amount of crime. And responding to crime does not address the *fear* of crime. So, it is important to gauge the residents' perceptions to determine whether they approve of the board's response.

3. Is the crime response successful? The board's crime prevention strategy may fail to meet the objectives. For instance, installation of security lights will not affect daytime burglaries. Security guards can't be everywhere at once. Security cameras may capture an intruder's image but the image doesn't identify the intruder.

4. What are the side effects of the crime prevention programs? Some programs can have collateral consequences. For example, gated communities provide a physical barrier to deter crime, however, residents are required to validate themselves and their guests when entering. In this

scenario the individual relinquishes certain freedoms for macro-level protections.

Assessing the impact crime has on the community and the board's response to it is a fundamental service all homeowner associations need to address. Security has both elements of perception and protection. The board should integrate both elements when implementing responses to crime.

Excerpts from Community Associations Institutes Best Practices. 🌟

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Four Reserve Fund Investment Hurdles

HOA boards are faced with a challenge. They have limited time and resources, yet must meet the financial obligations of the reserve study by following a funding plan that provides adequate member contributions and additional revenue from prudent investment of reserve funds that reduce those member contributions. Here are four hurdles the board must jump when tackling reserves investment.

Hurdle #1: Failure to use the Reserve Study or not having one in the first place. Homeowner association boards have the duty to conduct long range planning to identify common elements, their current condition, their useful lives and current cost of repair or replacement. This exercise is called a Reserve Study. Some boards believe that a reserve study provides little benefit except to point out the obvious. These same boards either elect not to pay the cost of one or put the one they have in a file to gather dust. Both approaches are foolish because without a clear road map to follow, the board is bound to get lost in the maze.

Properly funding reserves for the standard 30 year projection period could amount to many hundreds of thousands of dollars. Larger HOAs

with extensive common elements should reserve *millions*. Failure to fund reserves adequately results in unfair and sometimes uncollectible special assessments. Prudent investment of reserve funds could partially offset member contributions and reduce the risk of special assessments.

Hurdle #2: Failure to understand investment choices. Some boards are under the impression that FDIC insured money market accounts or CDs are the only alternatives for reserve fund investments. There are a number of alternatives. State laws vary but in Oregon, for example, HOAs are limited to direct investment in issues of the federal Government and/or FDIC bank accounts or CDs. HOAs are not permitted to invest in municipalities, mutual funds or indirect investments (investments to which the investor does not directly hold title, such as mutual funds, limited partnerships and Real Estate Investment Trusts). Non-FDIC insured money market accounts are not to be used for homeowner association reserve investments by law.

This creates an opportunity to invest in longer term federal bonds. As of the writing of this article, the going rate of a 10 year government bond is around 2.91% compared with bank checking accounts that average around 0.5%. This increased yield could go a long way to reducing the need for a special assessment. The challenge with investing in 10 year bonds is determining how much should be invested in them. Fortunately, the Reserve Study is very useful in determining the short and long term reserve cash needs.

Hurdle #3: Failure to utilize the Reserve Study when selecting investments. The first step in considering higher yielding investment opportunities is to put that Reserve Study to work. The Reserve Study can be used to match the repair schedule with the investments. This allows combining shorter term/lower yield CDs with longer term/higher yield Treasury Bills. This type of investment strategy is called a Duration Study. Even though a Duration Study costs money to perform, the extra interest return that can be earned by matching

the investment duration to your specific HOA is well worth it. Duration studies and the investment mix need to be redone every time a Reserve Study is updated.

Hurdle #4: Not hiring a fiduciary. Regardless of how the board chooses to invest the HOA's Reserve Funds, time, expertise and professional ability are needed to manage them properly. It is in the board's interest to find someone that has the HOA's well being at heart, such as an investment advisory company that is a fiduciary to the board. By better managing your reserve funds, you avoid the hurdles described and improve reserve investment yields.

Leave the hurdling to the track stars. Use a trained financial consultant to optimize your reserve fund investments.

By William Meyer, CEO - Strategic Group 🏡

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The Maintenance Plan

The purpose of a Maintenance Plan is to instruct a homeowner association board and property manager how to properly maintain common element components. Following a well prepared Maintenance

Plan will help extend the useful life of the components and reduce costs to the members.

An effective preventive maintenance plan should satisfy the following five key goals:

1. Preserve owners' investment. Preventive maintenance can extend the life of building components, sustaining and enhancing the property's value.
2. Help buildings function as they were intended and operate at peak efficiency. Because preventive maintenance keeps equipment functioning as designed, it

reduces inefficiencies in operations and energy usage.

Prevent failures of building systems. Buildings that operate trouble-free allow the occupants to enjoy the property as intended. Preventive maintenance includes regular inspections and replacement of equipment crucial to building operations.

Sustain a safe and healthy environment. Protecting the physical integrity of building components preserves a safe environment for residents.

Provide cost effective maintenance. Preventive maintenance can prevent minor problems from escalating into major failures and costly repairs. Preventive maintenance can be handled relatively cheaply, efficiently and systematically through advance scheduling while major failures always happen after hours, at peak billing times and to equipment that must be special ordered (Murphy's Law).

The objective of the Maintenance Plan is to provide clear direction to the board and management how and when to provide repairs to building and grounds components. If consistently followed in conjunction with a properly prepared reserve study schedule, the components will enjoy their maximum useful lives and related repair costs kept to a minimum. This is how successful homeowner associations operate. 🏡

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Blue Light Special

There is an expression for giving the customer what he wants: "If the man wants a blue suit, turn on the blue light." This wisdom is based in the phenomena that perception is often more important than substance. As any successful salesperson knows, the sale is in the bag if the customer thinks it's

his wise decision making at work, not "being sold".

This same philosophy can assist in the recurring and vexing issue of what color to paint the buildings. There is no greater political football than paint color and every time the board moves to make a change, a donnybrook ensues that sends it packing back to the old color scheme.

But there are often compelling reasons to change: The '70s colors never worked, even in the '70s. Besides being a color consultant's worse nightmare, those dark colors absorb heat and cause premature failure of the paint. Since one thing leads to another, paint failure leads to a shabby look and premature failure of the trim and siding. And this means big money to make repairs. Ouch!

To dodge the politics of paint, the board should defer to a design consultant from a local paint supplier. On the premise that the HOA will buy its paint, most companies will provide consulting services for nothing, zero, zip, nada (a very good price). Ask the consultant to recommend three contemporary body and trim color combinations suitable for your buildings. Ask also for recommendations of how trim should be painted for a contemporary look. The painted trim combinations of yore are often glaringly old fashioned and detract from value. A new trim look with cutting edge colors can fast forward the curb appeal.

Have the consultant prepare these trim style and color recommendations in a side by side color board and hang the board on a sunny building wall (or paint the wall itself with the three recommendations) so that residents can see what the "experts" recommend. Have them vote on the combination they prefer. Majority wins.

If your project is large enough to justify a multiple color schemes, let the residents of each building decide which color combination they want for their building. Again majority wins.

Using an outside color consultant removes this political football from the

board's hands and helps keep the peace. Letting the residents choose gets them invested in the result. Remember the Blue Light Special. It works. 🏠

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Annual Planning Calendar

This one page action plan assists the board in organizing and completing HOA business effectively. It also advises owners and residents in advance so they can plan accordingly.

1. Compile one in conjunction with the Annual Budget to list cyclical maintenance events like gutter cleaning and window washing.
2. Add time frames for major renovation like painting and roofing so residents can plan vacations around them.
3. Schedule meetings and other events a year in advance so owners know when they can petition the board.

This kind of long range planning gives the owners the feeling that someone is actually steering the ship rather than being keel hauled behind it. In also counteracts the notion that the Board is operating behind closed doors or in secret. Post the Event Calendar around the property, put it in your newsletters and on the association website. With an Event Calendar, there are fewer surprises, more gets done and there will be greater harmony in the community. Here's a sample:

JANUARY

8 Annual Homeowner Meeting
10 Get proposals: roof replacement, pool replaster, treework
11 Inspect decks
15 Forward Year End Financials to CPA
20 Sweep parking lots

FEBRUARY

13 Board of Directors Meeting

~ Review roof, pool replaster proposals
Newsletter

MARCH

File tax return by the 15th
Annual fire extinguisher inspection

APRIL

1 Maintenance Committee Inspection
15 Pool replaster project begins
Dewinterize Buildings
Walkthrough with Landscape Contractor
Clean Clubhouse and stairwell carpets

MAY

5 Work Party - Plant spring flowers
12 Board of Directors Meeting
25 Pool Opens
Newsletter
~ Send Pool Rules
~ Announce Summer Social
Clean gutters
Wash windows
Sweep parking lots

JUNE

Roof replacement project begins
Deck repair project begins

JULY

15 Summer Social
20 Treework begins

AUGUST

15 Board of Directors Meeting
~ Appoint Budget Committee
Newsletter

SEPTEMBER

Order Reserve Study Update
10 Close Pool
12 Chimney Inspections & Cleaning
15 Budget Committee Meeting
~ Review manager's draft budget
~ Review insurance coverage
~ Appoint Nominating Committee
25 Wash windows

OCTOBER

5 Work Party - Plant fall flowers
Winterize Buildings
15 Mail winterization notices
22 Walkthrough with Landscape Contractor

NOVEMBER

1 Grounds Committee Inspection
22 Board of Directors Meeting
~ Review & approve budget
Newsletter

~ Request Board Candidates
~ Announce Christmas Party
25 Mail budget & fee notice

DECEMBER

5 Clubhouse Cleaning Party
12 Christmas Party at Clubhouse
15 Clean gutters

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How Do You Know?

How do you know what you know...not in some deep philosophical sense, but on a practical everyday level? On any particular day you might tell someone that your living room is painted green, that the Philadelphia Eagles are going to win the Super Bowl, that the earth goes around the sun, that democracy is the best form of government and that you know the way to San Jose. These are different assertions based on different ways of knowing.

The first way to know something is through personal experience. You know your living room is painted green because you've been there and saw it. Similarly, you know what a bird is and how to get to the mall, all by direct experience.

The second way to know things is by authority. That is, you rely on some source of information, believing it to be reliable, when you have no personal experience of your own. Most people believe the earth goes around the sun even though no one can really detect the motion. Many people believe democracy is superior to other forms of government even though they haven't lived under any other type. They rely on the authority of textbooks and politicians. Of course other societies do the same and their defenders rely on authority too. You know the way to San Jose because you can consult a map that informs the way.

But how about those Eagles? How do you know they are going to win this year? You are not basing it on their recent record which has been abysmal. In fact, you don't know that they are going to win. "Knowing" in this sense is just a figure of speech.

You can also know by faith. This means you know that there is a power that is in control of processes and events that you can't comprehend. Is this form of knowing blind or uninformed? It can be. Taking someone's word for the inexplicable without question or reflection can lead to tragic results like the Heaven's Gate cult of 1997, the Branch Davidians of 1993 and the Jonestown mass suicide in 1978. Even faith should be based on reason and empirical evidence. Blind faith relies on the integrity of others that "interpret" it. All too often that integrity is lacking and self servers lead the blind faithful off the edge.

So really knowing what you know takes careful consideration. Do you know because you really know or do you know because you have blindly taken someone's word for it? One thing is clear: The universe is immense, yet carefully crafted. We live in a complex matrix of cause and effect. Those that claim to understand it, know very little and those that admit they know very little are wise beyond measure.

Excerpts taken from Darwin's Black Box by Michael Behe. ☸

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Noah Good One?

Noah was a faithful servant of God. He and his sons built The Ark that allowed his family and two of each kind of animal to survive a global flood. His diligence in following directions are source of a number of life lessons:

1. Don't miss the boat.
2. We're all in the same boat. Be patient.

3. Plan ahead. It wasn't raining when Noah built the Ark.
4. Stay fit. When you're old, you may be asked to do something really big.
5. Don't cave into criticism; Do the job that needs to be done.
6. Build your future on high ground.
7. For safety's sake, travel in pairs.
8. Speed isn't always an advantage. The Ark was shared by both sloths and cheetahs.
9. When you're stressed, drift a while.
10. The Ark was built by amateurs; the Titanic by professionals.
11. When you follow God, there's always a rainbow waiting. ☸

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Synthetic Words

Bozone: The substance surrounding a stupid person that stops bright ideas from penetrating.

Giraffiti: Vandalism spray painted very, very high.

Sarchasm: The gulf between the author of sarcasm and the person who doesn't get it.

Inoculatte: To take coffee intravenously when you are running late.

Hipatitis: Terminal coolness.

Osteopornosis: A degenerate disease.

Karmageddon: It's, like, when everybody is sending off all these really bad vibes, right? And then, like, the Earth explodes and it's, like, a serious bummer.

Glibido: All talk and no action.

Dopeler Effect: The tendency of stupid ideas to seem smarter when they come at you rapidly.

Beelzebug: Satan in the form of a mosquito that gets into your bedroom at three in the morning and cannot be cast out. ☸